

EXHIBIT E



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION,

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

State of Montana v. Abbott Labs., Inc., et al., D.
Mont. Cause No. CV-02-09-H-DWM

**THE STATE OF MONTANA'S INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS TO
DEFENDANTS**

Pursuant to the Federal Rules of Civil Procedure, the State of Montana ("State") requests that Defendants respond to the following Interrogatories, Requests for Production and Requests for Admission (collectively "Requests").

DEFINITIONS AND GENERAL INSTRUCTIONS

These Requests incorporate the Definitions and General Instructions set forth in Defendants' First Set of Interrogatories and Requests for Production to the State of Montana as if incorporated fully herein with the following exception:

"You" or "Your" means the Defendant responding to these Requests and any of its subsidiaries, divisions, affiliates, officers, directors, employees or agents, including, but not limited to, attorneys and accountants.

INTERROGATORIES

INTERROGATORY NO. 1

For each sale of a Subject Drug made by You to any wholesaler, retailer, pharmacy, provider, PBM or other entity for use by a Montana resident during the Relevant Time Period, identify the following information:

- (a) date of sale;
- (b) the quantity of the Subject Drug sold;
- (c) to whom the Subject Drug was sold,
- (d) whether the entity the Subject Drug was sold to was an individual, a state agency, a distributor, a wholesaler, a PBM, a hospital, a private payor or other entity;
- (e) the AWP(s) for the Subject Drug;
- (f) the ASP (or equivalent) for the Subject Drug;
- (g) the location where the Subject Drug was sold;
- (h) the AWP reported for the drug to each Publisher; and
- (i) the price the purchaser paid for the Subject Drug.

ANSWER:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

All documents referred to or used in responding to the above interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2

Documents sufficient to show all sales of Subject Drugs made by You for use by a Montana resident during the Relevant Time Period, including the following information for each sale:

- (a) date of sale;
- (b) the quantity of the Subject Drug sold;
- (c) to whom the Subject Drug was sold,
- (d) whether the entity the Subject Drug was sold to was an individual, a state agency, a distributor, a wholesaler, a PBM, a hospital, a private payor or other entity;
- (e) the AWP(s) for the Subject Drug;
- (f) the ASP (or equivalent) for the Subject Drug;
- (g) the location where the Subject Drug was sold;
- (h) the AWP reported for the drug to each Publisher; and
- (i) the price the purchaser paid for the Subject Drug.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3

If You deny Request For Admission No. 1, produce all reports on which You base your denial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4

If You deny Request For Admission No. 2, produce documents reflecting all instances where You made such a disclosure.

RESPONSE:

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1

Admit that no published report has ever disclosed that the spread between AWP and ASP (or its equivalent) for a physician-administred drug made by Defendants can exceed 30%. If You deny such, identify the disclosure, the date and the drugs involved.

REQUEST FOR ADMISSION NO. 2

Admit that Medicare beneficiaries were not told by You that spreads could exceed 30%. If You deny the same, state the basis for your denial.

REQUEST FOR ADMISSION NO. 3

Admit that in 2001 and 2002, First Data Bank bumped the spread between WAC and AWP without consulting You. Further admit that You made no effort to disclose this bump to consumers and/or the State. If You deny the same, state the basis for your denial.

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **THE STATE OF MONTANA'S INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS TO DEFENDANTS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on March 1, 2006, a copy to LexisNexis File & Serve for Posting and notification to all parties.

By /s/ Steve W. Berman
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